

NO. PD-0244-16

FILED
COURT OF CRIMINAL APPEALS
7/12/2017
DEANA WILLIAMSON, CLERK

IN THE
COURT OF CRIMINAL APPEALS FOR THE
STATE OF TEXAS

ANDRE JAMMAR ASH

Appellant

V.

STATE OF TEXAS

Appellee

APPEAL FROM THE 82ND JUDICIAL DISTRICT COURT
TRIAL COURT CAUSE NUMBER 14-09-9414
OF FALLS COUNTY, TEXAS

**APPELLANT'S FIRST MOTION FOR EXTENSION OF
TIME TO FILE APPELLANT'S MOTION FOR
REHEARING**

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ANDRE ASH, Appellant, moves for an extension to file Appellant's Motion for Rehearing:

I.

Pursuant to TEX. R. APP. P. 79.1, **ANDRE ASH**, moves this Court to allow an extension of THIRTY (30) days to file his Motion for Rehearing. On December 11, 2014, Appellant was convicted of the offense of Possession of a Controlled Substance, Cocaine over Four Grams but less than 200 grams (enhanced) and given a sentence of thirty-five (35) years in the Texas Department of Criminal Justice, Institutional Division and a fine of \$5,000.00. On June 28, 2017, this Honorable Court denied relief for Appellant, and affirmed the judgement of the Tenth Court of Appeals.¹ The Motion for Rehearing is due on July 13, 2017.

II.

**REQUIRED INFORMATION PURSUANT TO THE RULES OF
APPELLATE PROCEDURE**

A. *The deadline for filing the extension:*² July 13, 2017.

B. *The length of the extension sought:*³ Thirty (30) days.

¹ See *Ash v. State* 2017 WL 2791727 (Tex. Crim. App. June 28., 2017).

² TEX. R. APP. P. 10.5(b)(1)(A); TEX. R. APP. P. 49.8.

³ TEX. R. APP. P. 10.5(b)(1)(B).

C. *The facts relied upon to reasonably explain the need for the extension:*⁴

Appellant's attorney is a sole practitioner engaged in the practice of criminal law. Counsel currently has several briefs due to various appellate courts of this State. In addition, Appellant's counsel had /has several trial settings in McLennan County that are at or near the top of the trial docket. During the pendency of this motion, counsel prepared for two trials that were at the top of the docket for trial on July 10, 2017. One ended in plea negotiations Friday July 7, 2017; the other continued at the request of the State on that same date. Counsel is currently the number one setting on a criminal matter set for July 17, 2017.

D. *Number of previous extensions granted for previous Motions for Extension:*⁵ None.

III.

The additional time requested is not sought solely for delay, nor sought frivolously, but will be of genuine assistance to Appellant's attorney in preparing Appellant's Motion for Rehearing.

Appellant prays that the Court grant this Motion and modify and extend the deadline for filing Appellant's Motion for Rehearing to August 14, 2017, or that this Court grant such additional time as is just and proper.

⁴ TEX. R. APP. P. 10.5(b)(1)(C).

⁵ TEX. R. APP. P. 10.5(b)(1)(D)

Respectfully submitted,

LAW OFFICE OF STAN SCHWIEGER

/s/ Stan Schwieger

Stan Schwieger

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ATTORNEY FOR APPELLANT

CERTIFICATE OF SERVICE

A copy of this Motion to the Falls County District Attorney's Office will be delivered by this Court's electronic filing system on July 12, 2017.

/s/ Stan Schwieger

Stan Schwieger